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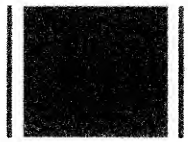

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Thuy Tran Lien

Filed: 30 November 2001

For: PROCESS FOR PRODUCING A FOODSTUFF

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION

I, James Edward Hirst, herby declare and state that:

1. I reside at Boleyn House, 18 Skeldergate, York, YO1 6DT, UK

2. I am Managing Director of The Brecks Company Ltd a UK Company, and have worked in the food industry for fourteen years. I have worked closely with extrusion processing since 1993 when The Brecks Company Ltd installed it's first twin screw extruder and during the past fourteen years have been involved in the development of many innovative products and processes based on extrusion technology.

3. I have had business dealings with the Assignee Company Cadbury Schweppes PLC or its associated companies, but am not affiliated with them in any way.

4. I was asked by the Assignee Company's European Patent Attorney at the request of the Attorney of record to comment on my interpretation of US 4,744,993 ("Bisson") and in particular the nature of the extrusion process disclosed therein.

5. I have not seen US 09/889,019 and my initial review of Bisson was without a knowledge of the issues at hand, although my comments are restricted to what I was later told to be relevant to this matter.

6. Extrusion is commonly carried out at high temperatures and pressures so that upon exiting the extrusion die, the extrudate experiences a rapid drop in pressure and any water present is released as super-heated steam. This is what gives rise to puffing or expansion.

7. In Bisson, the temperature and pressure are relatively low, such that only minimal expansion would occur if extruding into atmospheric pressure. For this reason Bisson extrudes into a vacuum chamber where the expansion takes place.

8. I was asked to consider whether Bisson might be extruding into a region of atmospheric pressure with the product then being transferred to the vacuum chamber. I think such a scenario is highly unlikely because

(i) the pressure differential between the atmosphere and the vacuum chamber is less than the pressure differential between the extruder and the vacuum chamber, so puffing would be less efficient,

(ii) once the product exits the extruder it begins to cool and harden, both effects leading to less efficient puffing,

(iii) the apparatus would be more complicated, requiring an additional conveyor and airlock at the upstream end of the vacuum chamber.

In other words, this is not how a skilled person would go about the Bisson process because it is both more complicated and less efficient. I conclude that Bisson is extruding directly into the vacuum chamber.

I declare that all statements herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such wilful false statements may jeopardize the validity of the application of any patent issuing thereon.

Tom Hass

[PRINT NAME]

10/02/2007

[DATE]